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8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **OAKLAND DIVISION**

12 In re ARDELYX, INC.

Case No. 4:21-cv-05868-HSG

13 **STIPULATION AND ORDER**
14 **REGARDING BRIEFING**
15 **SCHEDULE**

16 (Civil L.R. 6-1, 6-2, 7-12)

17 Hon. Haywood S. Gilliam, Jr.

1 Lead Plaintiff Jatin Malhotra (“Plaintiff”) and Defendants Ardelyx, Inc., Mike Raab, and
2 Justin Renz (“Defendants” and, together with Plaintiff, “Parties”), by and through their
3 undersigned counsel, hereby stipulate and agree as follows, and jointly request that the Court enter
4 the Proposed Order below approving this stipulation in the above-captioned case.

5 WHEREAS, on September 29, 2022, Plaintiff filed an Amended Class Action Complaint
6 alleging violations of the federal securities laws (Dkt. No. 82);

7 WHEREAS, on December 2, 2022, Defendants filed a motion to dismiss the Amended
8 Class Action Complaint under Fed. R. Civ. P. 12(b)(6) (“Motion to Dismiss”) (Dkt. No. 83);

9 WHEREAS, on January 31, 2023, Plaintiff filed a motion for leave to file a second
10 amended class action complaint (“Motion to Amend”), submitting therewith his Proposed Second
11 Amended Class Action Complaint (Dkt. Nos. 85 & 86);

12 WHEREAS, also on January 31, 2023, Plaintiff filed his opposition to Defendants’ Motion
13 to Dismiss (Dkt. No. 87);

14 WHEREAS, on February 14, 2023, Defendants filed their opposition to Plaintiff’s Motion
15 to Amend (Dkt. No. 89);

16 WHEREAS, on February 28, 2023, Plaintiff filed his Reply in support of his Motion to
17 Amend (Dkt. No. 94);

18 WHEREAS, on March 17, 2023, Defendants filed their Reply in support of their Motion
19 to Dismiss (Dkt. No. 95);

20 WHEREAS, on April 6, 2023, the Court issued an Order (i) granting Plaintiff’s Motion to
21 Amend and ordering the Second Amended Class Action Complaint to be filed by April 14, 2023;
22 (ii) terminating as moot Defendants’ Motion to Dismiss; (iii) denying Defendants’ Request for
23 Judicial Notice of certain documents relating to their Motion to Dismiss; and (iv) directing the
24 Parties “to meet and confer and submit by April 14 a stipulation and proposed order setting a
25 briefing schedule and proposed hearing date for any renewed motion to dismiss” (Dkt. No. 96);

26 WHEREAS, on April 11, 2023, counsel for the Parties met and conferred in accordance
27 with the Court’s directives in the April 6, 2023 Order;

NOW, THEREFORE, the Parties, by and through their undersigned counsel, hereby stipulate, subject to the Court's approval, to the following briefing schedule and hearing date:

1. Defendants shall file any motion to dismiss the second amended class action complaint by June 2, 2023;

2. Plaintiff shall file any opposition to Defendants' motion to dismiss by July 21, 2023;

3. Defendants shall file any reply brief in support of their motion to dismiss by August 21, 2023; and

4. The Parties propose September 14, 2023, at 2:00 PM for a hearing on any motion to dismiss the second amended class action complaint, subject to the Court's availability.

IT IS SO STIPULATED.

DATED: April 14, 2023

DATED: April 14, 2023

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/s/ Thomas L. Laughlin, IV

/s/ Melanie Blunschi

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Mike Raab, and Justin Renz*

*Counsel for Lead Plaintiff Jatin Malhotra
and the Proposed Class*

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

4/17/2023

Date



Hon. Haywood S. Gilliam, Jr.
United States District Judge